



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION I

11110093

J.F. KENNEDY FEDERAL BUILDING, BOSTON, MASSACHUSETTS 02203-2211

URGENT LEGAL MATTER -- PROMPT REPLY NECESSARY  
CERTIFIED MAIL: RETURN RECEIPT REQUESTED

October 27, 1987

Superfund Records Center

SITE: Picillo

BREAK: 11.9

OTHER: 644906

Patterson - Sargent  
Division of Textron Inc.  
P.O. Box 494  
New Brunswick, N.J. 08903

Re: Picillo Site, Coventry, Rhode Island, (the Site)

Dear Sir or Madam:

NOTICE OF POTENTIAL LIABILITY

This letter is to notify you of potential liability which your company may incur or may have incurred with respect to the above-referenced Site; to make a formal demand for reimbursement of the costs, including interest thereon, that have been incurred in response to the environmental problems at the Site, and to request your voluntary participation in performing or financing the remaining response actions necessary at the Site.

The United States Environmental Protection Agency (EPA) has documented the release and threatened release of hazardous substances, pollutants and contaminants at the above referenced Site. EPA has spent and is considering spending public funds on actions to investigate and control such releases or threatened releases at the Site. Unless EPA reaches an agreement under which a responsible party or parties will properly perform or finance such actions, EPA will itself perform these actions pursuant to Section 104 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. §9601 et seq. (CERCLA), as amended by the Superfund Amendments and Reauthorization Act of 1986, Pub. L. No. 99-499, 100 Stat. 1613 (1986) (SARA).

Under Section 106(a) of CERCLA, Section 107(a) of CERCLA, 42 U.S.C. §9606(a) and §9607(a), Section 7003 of the Resource Conservation and Recovery Act, 42 U.S.C. §6973 (RCRA), and other laws, responsible parties may be obligated to implement relief actions deemed necessary by EPA to protect the public health,



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welfare or environment and may be liable for all costs incurred by the government in responding to any release or threatened release at the Site. Such costs may include, but are not limited to, expenditures for investigation, planning, response and enforcement activities. Responsible parties under CERCLA include current and former owners and operators of the Site as well as persons who arranged for disposal of hazardous substances found at the Site, or persons who accepted hazardous substances for transport to the Site.

EPA has evaluated a large body of evidence in connection with its investigation of the Site, including among other items, business records, invoices, documents produced in litigation and deposition testimony.

Based on this evidence, EPA has information indicating that you are a potentially responsible party with respect to this Site. Specifically, EPA has reason to believe that you are, by contract, agreement, or otherwise, responsible for the disposal, treatment, or transportation for disposal or treatment of hazardous substances found at the facility. By this letter, EPA notifies you of your potential liability with regard to this matter and encourages you, as a potentially responsible party, to reimburse EPA for the costs incurred to date and to voluntarily perform or finance the response activities that EPA has determined are required at the Site.

#### DEMAND FOR PAYMENT OF COSTS INCURRED TO DATE

In accordance with CERCLA and other authorities, EPA has already undertaken certain actions and incurred certain costs in response to conditions at the Site. These response actions include emergency removal and treatment of hazardous waste, and a Remedial Investigation and Feasibility Study (RI/FS) to determine the nature and extent of on-site and offsite contamination and to evaluate possible remedial alternatives for containment, removal or treatment of the soil and/or groundwater.

These activities have been undertaken by EPA pursuant to, inter alia, Section 104 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), 42 U.S.C. §9601 et seq, as amended. Based on the RI/FS and comments received on these studies, EPA signed a Record of Decision (ROD) on March 3, 1987, specifying certain remedial actions consistent with the National Contingency Plan. A portion of these remedial actions will be undertaken by EPA unless EPA determines that such action will be done properly by a responsible party.

The Agency anticipates expending additional funds for response activities at the Site under the authority of CERCLA and other laws, including those response activities described in

the Record of Decision (ROD). In accordance with Section 107 (4)(D) of CERCLA, as amended by Section 107(b) of SARA, demand is hereby made for payment of past costs plus any and all interest authorized to be recovered under that Section or under any other provisions of law. The cost to date of the response actions performed through EPA funding at the site is currently approximately four million dollars. Demand is also hereby made under these authorities for payment of interest on all future costs that EPA may accrue in regard to the Site.

#### NEGOTIATION PROCEDURES

Because of negotiations already underway, EPA has determined that it is inappropriate to employ the procedures set out in Section 122 of CERCLA as amended by SARA. Specifically, EPA will not engage in a moratorium as to its activities, and will not produce a non-binding allocation of responsibility. The Agency is already negotiating with a group of PRPs and EPA has provided information to the PRPs concerning the operation of the Picillo site. Use of the Section 122 procedure will not expedite settlement of this case, and may hinder cleanup of the site.

#### CERCLA RELEASE

As noted above, EPA has determined that a release of hazardous substances as defined by Section 101(14) and 101(22) of CERCLA has occurred at the above-referenced site.

#### PAST RESPONSE ACTIVITIES AT THR SITE

The Remedial Investigation, which defines the extent of contamination of the site, and the Feasibility Study, which evaluates remedial action alternatives for the site, and the Record of Decision which discusses and selects remedial actions for the site, are available for inspection in the Region I EPA Superfund Office in the JFK Federal Building in Boston.

#### FORTHCOMING RESPONSE ACTIVITIES AT THE SITE

EPA is planning to conduct the following studies and activities at the Site:

1. Remedial Investigation of groundwater to identify the local characteristics and to define the nature and extent of groundwater contamination at the Site;
2. Feasibility Studies to evaluate the feasibility of possible remedial actions to remove or contain hazardous substances, pollutants, and contaminants at the Site;

3. Design and implementation of the remedial action selected and approved by EPA for the Site;\*
4. Operation, maintenance and monitoring necessary at the Site.

In addition to those enumerated above, EPA may, pursuant to its authorities under CERCLA and other laws, decide that other clean-up activities are necessary to protect public health, welfare or the environment.

\* EPA expects to enter a Consent Agreement with some PRP's in early fall 1987 for the removal of contaminated soil piles at the site.

#### TIMING AND FORM OF RESPONSES TO THIS LETTER

As a potentially responsible party, you should notify EPA in writing within thirty (30) days from receipt of this letter of your willingness to perform or finance the activities described above. If EPA does not receive a timely response, EPA will assume that your company does not wish to negotiate a resolution of its liabilities in connection with the Site and that your company has declined any involvement in performing the response activities.

Your letter should indicate the appropriate name, address, and telephone number for further contact with you. If you are already involved in discussions with state or local authorities, engaged in voluntary clean-up action, or involved in a lawsuit regarding this Site, you should continue such activities as you see fit. This letter is not intended to advise you or direct you to restrict or discontinue any such activities; however, you are advised to report the status of those discussions or actions in your response to this letter and to provide a copy of your response to any other parties involved in those discussions or actions.

Your response letter should be sent to:

U.S. Environmental Protection Agency  
Kenneth E. Wenger, RI Superfund Section  
Waste Management Division  
JFK Federal Building, HSV-1907  
Boston, MA 02203  
Telephone: (617) 565-3637

If you have an attorney representing you in this matter, please direct his or her questions to Susana Cortina of the EPA Office of Regional Counsel at (617) 565-3440.


INFORMATION TO ASSIST RESPONSIBLE PARTIES

EPA would like to encourage good faith negotiations between you and the Agency and among you and other parties potentially responsible for the Site. To assist responsible parties in preparing a proposal and in negotiating with EPA concerning this matter, EPA is providing a list of the names and addresses of potentially responsible parties already notified, or to whom this notification is being provided. This list represents EPA's preliminary finding on the identities of potentially responsible parties. Inclusion on, or exclusion from, the list does not constitute a final determination by the Agency concerning the liability of any party for the hazard or contamination at the Site.

The factual and legal discussions in this letter are intended solely to provide notice and information, and such discussions are not to be construed as a final Agency position on any matter set forth herein. Due to the seriousness of the environmental and legal problems posed by conditions at the Site, EPA urges that immediate attention and a prompt response be given to this letter. EPA also encourages you to contact other potentially responsible parties.

By copy of this letter, EPA is notifying the State of Rhode Island of our intent to perform or enter into negotiations for the performance or financing of response actions at the Site.

Sincerely,



Merrill S. Hohman, Director  
Waste Management Division

Attachments

cc: Michael Deland, Regional Administrator  
Director, Office of Waste Programs Enforcement  
Susana Cortina, Office of Regional Counsel  
Ken Wenger, Waste Management Division  
Gary Powers, Office of RI Attorney General  
Thomas Getz, RI Department of Environmental Management  
Barbara McAllister, Chief, Superfund Enforcement Support Section

American Hoechst Corp.  
Rhode Island Works  
129 Quidnick Street  
Coventry, RI 02816

American Standard  
40 W 40th Street  
New York, NY 10018

Ber Mar Manufacturing Corp.  
610 Dean Street  
Brooklyn, N.Y.

E.I. Dupont  
Dupont Bulding  
Room 4000  
Wilmington, Delaware 19898

Grumman Aerospace Corp.  
1111 Stewart Ave  
Bethpage, N.Y. 11714

Mobay Chemical Corp.  
Mobay Road  
Pittsburgh, PA 15205-9741

Schenectady Chemicals Inc.  
P.O. Box 1046  
Schenectady, N.Y. 12301

E.R. Squibb & Sons Inc.  
P.O. Box 4000  
Princeton, N.J. 08540

Transco Products Co.  
P.O. Box 28  
Linden, N.J. 07036

Ganes Chemicals Inc.  
611 Broad Street  
Carlstadt, N.J. 07072

N.L. Industries Inc.  
Environmental Control Dept.  
P.O. Box 1090  
Hightstown, N.J. 08520

Revlon Inc.  
767 Fifth Avenue  
New York, NY

Pan Chemical  
1 Washington Ave.  
Hawthorne, N.J. 07507

Armstrong Cork Co.  
Box 3001  
Lancaster, PA 17604

Air Products and Chemicals, Inc.  
Allentown, PA 18195

Custom Chemical Co. Inc.  
30 Paul Kohnek Place  
Elmwood Pk, NJ 07407

Patterson - Sargent  
Division of Textron Inc.  
P.O. Box 494  
New Brunswick, N.J. 08903

## Picillo Notice Letter

(SCP Generators)

1. American Hoechst
2. American Standard
3. BerMar
4. E.I. Dupont
5. Grumman
6. Mobay/Harmon Colors
7. Schenectedy
8. E.R. Squibb & Sons Inc.
9. Transco Products Co.
10. Ganes Chemical
11. NL Industries
12. Revlon
13. Pan Chemical
14. Armstrong Cork
15. Air Products and Chemical, Inc.
16. Custom Chemicals
17. Patterson-Sergeant  
Division of Textron



LIST OF POTENTIALLY RESPONSIBLE PARTIES  
FOR PICCILLO FARM SITE

[ADR]

Robert Landmesser, President "Mr. Landmesser"  
Advanced Environmental Technical Corp.  
Goldmine Road  
Flanders, NJ 07836

[ADR]

George Sella, President "Mr. Sella"  
American Cyanamid Co.  
One Cyanamid Plaza  
Wayne, NJ 07470

[ADR]

J.A. Brothers, President "Sir or Madam"  
Ashland Chemical Co.  
P.O. BOX 2219  
Colombus, OHIO 43216

[ADR]

Dr. E.E. David, Jr. President "Dr. David"  
Exxon Research & Engineering Co.  
P.O. BOX 390  
Flurham Park, NJ 07932

[ADR]

Mr. Samuel Heyman "Mr. Heyman"  
GAF Corporation  
1361 Alps Road  
Wayne, NJ 07470

[ADR]

Richard J. Mahoney, President "Mr. Mahoney"  
Monsanto Co.  
800 N. Lindbergh Blvd  
St. Louis, MO 63166

[ADR]

Dr. Edward Bloustein, President "Dr. Bloustein"  
Rutgers University  
15 Washington Street  
New Brunswick, NJ 08903

[ADR]

David Rapaport, Vice President "Mr. Rapaport"  
Hydrex Laboratories  
375 Park Ave, 22nd Floor  
New York, NY 10152

## (continued List of Potentially Responsible Parties)

[ADR]

Daniel Cupuano, President "Mr Cupuano"  
United Sanitation, Inc.  
1688 Pontiac Avenue  
Cranston, RI 02920

[ADR]

Jack Capuano, President "Mr. Capuano"  
Sanitary Landfill, Inc.  
1688 Pontiac Avenue  
Cranston, RI 02920

[ADR]

Anthony Capuano, President "Mr. Capuano"  
A. Capuano Brothers, Inc.  
1688 Pontiac Avenue  
Cranston, RI 02906

[ADR]

c/o Dominec Presto, Registered Agent "Mr. Presto"  
Scientific Chemical Processing, Inc.  
18 Glen Road  
Rutherford, NJ 07070

[ADR]

John Welch, Jr., Chairman "Mr. Welch"  
General Electric Company  
3135 Easton Turnpike  
Fairfield, CT 06430

[ADR]

John Henske, President "Mr. Henoke"  
Olin Corporation  
120 Longridge Road  
Stanford, CT 06904-1355

[ADR]

Mr. Donald L. Freilley, President "Mr. Freilley"  
Rohm & Haas Company  
Independence Mall West  
Philadelphia, PA 19105

[ADR]

Art Stesinger, President "Mr. Davis"  
Morton-Thiokol Corporation  
110 N. Wacker Drive  
Chicago, IL 60606

[ADR]

Warren V. Picillo "Mr. Picillo"  
308 South Ocean Blvd  
Pompano Beach, FL 32562

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[ADR]

Selina Picillo "Ms. Picillo"  
308 South Ocean Blvd  
Pompano Beach, FL 32562

[ADR]

Cathy Sampaio "Ms. Sampaio"  
308 South Ocean Blvd  
Pompano Beach, FL 32562

**Department of Agriculture**

- Forest Service draft on Riley Ridge natural gas development project, right-of-way permit, Wyoming.

**Department of Army**

- Corps of Engineers draft on Cullinan Ranch residential and recreational plan, permit, Solano County, Calif.
- Final on Burns Waterway small boat harbor improvements, Porter County, Ind.

**Department of Energy**

- Draft on New England and hydro-Quebec transmission line, permit, New Hampshire and Vermont.

**Department of Interior**

- Bureau of Land Management draft on Stateline-Esmeralda resource area, WSAs designation, Clark County, Nev.; Safford District wilderness study areas, designation, Arizona and New Mexico; Riley Ridge natural gas development project, right-of-way permit, Wyoming.
- Final on Henry Mountain livestock grazing management plan, Garfield, Kane, and Wayne counties, Utah; Eugene-Medford 500 kV transmission, right-of-way, Douglas and Jackson counties, Ore.

**Department of Transportation**

- Federal Highway Administration draft on CT-72 construction and extension, Plainville to Bristol, Hartford County, Conn.; I-85 upgrading or relocation, SC-129 to U.S. 221, Spartanburg County, S.C.
- Final on North Rome Connector construction, Redmond Road to GA-53, Floyd County, Ga.; Corvallis Bypass construction, Corvallis City CBD, Benton and Linn counties, Ore.; I-5 improvement, 220th Street interchange reconstruction, Snohomish County, Wash.

**Environmental Protection Agency**

- Draft on uranium ore processing byproducts materials, standards, regulatory.
- Final on City of Anchorage wastewater treatment facilities expansion, grant, Alaska.

**Enforcement****WASTE FIRM, FORMER OFFICERS SENTENCED FOR ILLEGAL DISPOSAL AT NEW JERSEY LANDFILL**

The Scientific Chemical Processing Co., Inc. and three former officers were sentenced May 23 for their participation in a scheme in 1977 and 1978 to dump industrial chemical wastes illegally at the Lone Pine Landfill, outside Freehold, N.J., and into a sewer pit in Newark, N.J., according to W. Hunt Dumont, U.S. Attorney for the District of New Jersey.

The four defendants were convicted March 16 of scheming to defraud the New Jersey Department of Environmental Protection (DEP), the Passaic Valley Sewerage Commissioners, and numerous generators of industrial chemical wastes by means of fraudulent reports, representations, and records of the company's disposal operations (*U.S. v. Crane*, DC NJ, Crim. No. 82-200).

The defendants solicited business by telling generators that wastes would be treated and disposed of lawfully, Dumont said, but instead dumped wastes at sites not registered or authorized by DEP for disposal of industrial chemical wastes. According to Dumont, the defendants also dumped industrial chemical wastes into a sewer pit at the

company's Newark facility, from which the wastes flowed through the Passaic Valley Sewerage Commission's treatment system into the New York Bay.

In addition to improper disposal in Newark, more than 17,000 drums of industrial chemical wastes were disposed of at Lone Pine between January and June 1978, Dumont said.

All three former officers received five years' probation, as well as prison terms and fines, according to Dumont. Leif R. Sigmond, former president of the company, was sentenced by U.S. District Judge Dickinson R. Debevoise to two-and-one-half years in prison and \$10,000 in fines. Herbert G. Case Jr., former vice-president, received an 18-month jail sentence and \$2,000 in fines. Mack Barnes, former vice-president, was ordered to prison for six months and to pay \$500 in fines.

The firm, which had operated waste treatment plants in Newark and Carlstadt, was closed by the New Jersey DEP in 1980, Dumont said. The company was ordered to pay \$17,500 in fines.

The convictions stemmed from a grand jury investigation of disposal practices at the Lone Pine Landfill, which resulted in sentences for three other persons on bribery and obstruction of justice charges (*Current Developments*, July 23, 1982, p. 406; Oct. 1, 1982, p. 754).

Charles S. Crandall, the prosecutor, told BNA June 1 that the individuals are out on bail pending appeal. Attorneys for the three individuals told BNA they intend to appeal the decision.

**Air Pollution****EPA PROPOSES DISAPPROVING VARIANCE FOR OPACITY LIMITS FROM INDIANA SOURCE**

The Environmental Protection Agency May 27 proposed to disapprove a variance that would allow Indiana-Michigan Electric Co.'s Breed Powerplant to exceed Indiana opacity limits during startup and shutdown (48 FR 23852).

EPA said the state had not demonstrated that the ambient air quality standard for total suspended particulates would be protected during periods of excess emissions.

Indiana had requested that EPA approve the variance as a revision to the Indiana state implementation plan under the Clean Air Act.

Comments may be sent by July 26 to Gary Gulezian, EPA, Region V, Regulatory Analysis Section (5AP11), 230 S. Dearborn St., Chicago, Ill. 60604.

**Nevada Revisions**

The Nevada state implementation plan would be revised to include the cutback asphalt regulation for Clark County under a May 31 EPA proposal (48 FR 24137).

However, the agency proposed to disapprove the county's regulation for source malfunctions because it said the regulation is inconsistent with federal policy.

Comments may be sent by June 30 to Regional Administrator, Attention: Air Management Division, Air Programs Branch, State Implementation Plan Section (A-2-3), EPA, Region IX, 215 Fremont St., San Francisco, Calif. 94105.

**Litigation****EPA SUED FOR FAILING TO CLEAN HUDSON OF PCBs AS REQUIRED BY CLEAN WATER ACT**

Rep. Richard L. Ottinger (D-NY) and a coalition of environmental groups sued the Environmental Protection Agen-



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

Department of Attorney General  
72 Pine Street  
Providence, R.I. 02903

Dennis J. Roberts II, Attorney General

June 15, 1983

Joel Blumstein, Esq.  
Environmental Protection Agency  
JFK Building  
Room 2203  
Boston, MA 02203

Dear Mr. Blumstein:

I request that pursuant to EPA authority information requests be sent to the following companies:

- 1) Recycling Industries, Inc., 385 Quincy Ave.,  
Braintree, Mass.
- 2) Coastal Services, purchased by  
Peabody International, Stamford, CT. after 1977;
- 3) Zollo Drum Co., 23 Maple St., Beacon Falls, CT.
- 4) Martin Marietta, 1450 S. Rollins Road, Baltimore, MD.
- 5) Liquid Waste Specialists, Inc., P.O.Box 85,  
Woburn, MA; and
- 6) Geochem, Inc., 263 Howard St., Lowell, Mass.

United Sanitation records indicate that from approximately July to December 1977, the above companies consigned wastes to United Sanitation. United Sanitation is a Capuano corporation and is a present defendant in the Picillo action. (See "Exh. 1 for ID Robinson" in the attached deposition).

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V SI 004  
(EPA)

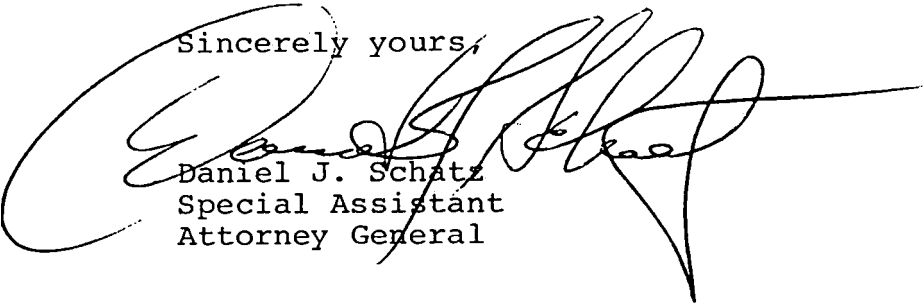
1 7 JUN 1983

Joel Blumstein, Esq.  
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In a May 3, 1983 deposition Nancy Robinson, a bookkeeper for United Sanitation testified that the wastes consigned by those companies was disposed "[a]t Picillo's." (Deposition of N. Robinson at 8). Such statement was not apparently based on personal knowledge. Thus, I request that information requests be made.

I also request that such a request be directed to Chemical Pollution Abatement Co., Oswego, N.Y.

Sincerely yours,



Daniel J. Schatz  
Special Assistant  
Attorney General

DJS/ps  
cc: Mary Douglas Dick